

**STATE OF INDIANA – OWEN COUNTY  
IN THE OWEN CIRCUIT COURT**

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**Notice of Proposed New Local Rule on Duties and Responsibilities of the  
Clerk of the Circuit Court of Owen County and Finding Good Cause  
To Deviate From Established Schedule  
October 28, 2013**

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Owen Circuit Court, pursuant to Trial Rule 81(B), gives notice of a proposed **new rule** at **LR60-AR10-1** concerning the duties and responsibilities of the Owen County Clerk, and finds good cause to deviate from the schedule for adopting local rules under Trial Rule 81(D). Supreme Court approval is not required for this new local rule.

Notice is given to the public by furnishing a copy to the Owen County Clerk, publishing on the Indiana Judicial Website, and by furnishing a copy to the officers of the Owen County Bar Association.

Comments may be made until **November 29, 2013** to:

The Honorable Lori T. Quillen, Judge, Owen Circuit Court, P.O. Box 86, Spencer, IN 47460, or by email at lori.quillen @owencounty.in.gov.

This local court rule will be effective on **December 1, 2013**.

DATED this 28th day of October, 2013.

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Lori T. Quillen, Judge  
Owen Circuit Court

**LR60-AR10-1 Owen County Clerk/Duties and Responsibilities**

**(A) Duties.** The Clerk of the Circuit Court of Owen County (Clerk) shall place within five (5) days of receipt from the Owen Circuit Court all pleadings and case-related documents in the proper case file.

(1) The Clerk shall maintain any record required by an act of the general assembly or a duly promulgated rule of any state agency, including the following:

- (a) *Lis pendens* record (IC 32-30-11-1);
- (b) Record of transcripts and foreign judgments (IC 33-32-3-2(d));
- (c) Judgment Docket (IC 33-32-3-2), wherein all orders requiring entry in the judgment docket shall include the term “judgment” in the title and shall set forth the specific dollar amount of the judgment in the body of the order;
- (d) Execution docket (IC 33-32-3-5);
- (e) Records specified under the probate code; and
- (f) Records specified by the state board of accounts as to the fiscal matters relating to the court and clerk.

(2) The Clerk shall also maintain the following records as specified under Rule 77 of the Indiana Rules of Trial Procedure:

- (a) All new complaints and assigning cause numbers;
- (b) Case file;
- (b) Record of judgments and orders (order book); and
- (c) Indexes.

(3) The Clerk shall make all case entries, and distribution of case documents, in a timely manner.

**(B) Case file.** In each case assigned a case number, the Clerk shall maintain a file containing a copy of any order, entry, or judgment in the case and the original of all other documents relating to the case including: pleadings, motions, service of process, return of service, verdicts, executions, returns on executions and, if prepared, certified, and approved, the transcript of testimony. The original order, entry, or judgment shall be maintained as part of the order book. The file shall also contain a copy of such original. Unless necessary to detail the filing chronology, the case file need not include transmittal letters, instructions, envelopes or other extrinsic materials not related to the issues of the case. The file shall contain an index tab listing the case number and an abbreviated designation of the parties and shall note the information required under section (D) of this local rule. In the event the court does not maintain a separate evidence file, documents entered into evidence, including depositions, shall be placed into the case file.

**(C) Record of judgments and orders (order book).** The Clerk shall maintain a daily, verbatim, compilation of all judgments of the court, designated orders of the court, orders and opinions of an appellate tribunal relating to a case heard by the court, local court rules under Trial Rule 81 of the Indiana Rules of Trial Procedure, certification of the election of the regular judge of the court, any order appointing a special judge, judge pro tempore, or temporary judge, the oath and acceptance of any judge serving in the court, any order appointing a special prosecutor, and the oath and acceptance of a special prosecutor. The Clerk may maintain a separate record of judgments and orders as required for the functional management of the court's business. Except where the record of judgments and orders is maintained electronically, a separate record of judgments and orders for confidential materials shall be maintained.

**(D) Indexes.** In addition to any index required under the provisions of this rule, state statute, or duly promulgated rule of a state agency, the Clerk shall prepare and maintain indexes of all actions and proceedings in circuit court. This index shall be in an alphabetical format which notes the names of all parties, the date on which a party became part of the proceeding, and the case number of the proceeding.

**(E) Case File Status.**

- (1) The Clerk shall maintain the case files, as set forth under section (B) of this local rule, in either a pending or decided status. Pending files, arranged by assigned case number, consist of all cases which have not been decided. Decided files consist of the actions which have been concluded and no further proceedings remain to be conducted as evidenced by the final judgment or other order of the court.
- (2) When a case has been decided, the file shall be assigned a disposition date pursuant to Administrative Rule 7 of the Indiana Supreme Court and maintained under the original case number in a location apart from pending files. In the event a decided case is redocketed for consideration by the court, the disposition date shall be deleted from the file and the case file returned to the pending cases in sequence with the case number originally assigned. A disposition date shall be reassigned at the time the case returns to a decided status.